

**REMARKS:****REMARKS REGARDING SPECIFICATION AMENDMENTS:**

The specification has been amended in response to the Examiner's request for the addition of drawings depicting a decision flow diagram illustrative of the methods of present invention. Applicant submits with this response a substitute specification showing the amendments. Specifically, Applicant has amended the Description of the Drawings to include a proper reference to new Figures 11-16. The specification has also been amended to provide a description of new Figures 11-16. Support for the above amendments to the specification can be found in the original specification as filed in the following locations:

Amendment	Support in Original Specification:
Fig. 11 and supporting text	Original claim 1
Fig. 12 and supporting text	Original claim 1
Fig. 13 and supporting text	Original claim 2
Fig. 14 and supporting text	Original claim 3
Fig. 15 and supporting text	Original claim 5
Fig. 16 and supporting text	Original claim 6

In view of the above, Applicant submits that no new matter is presented by these amendments and requests their acceptance and entry.

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**REMARKS REGARDING DRAWINGS AMENDMENTS:**

Amended drawings are presented with this paper. Specifically new figures 11, 12, 13, 14, 15 and 16 are presented with this paper in response to the Examiner objection to the originally filed drawings. Figures 11-16 graphically illustrate a flow chart of the claimed methods derived in the following manner:

Figure	Support in Original Specification:
11	Original claim 1
12	Original claim 1
13	Original claim 2
14	Original claim 3
15	Original claim 5
16	Original claim 6

A drawing representative of original claim 4 has not been included because no further process steps in addition to the process steps of claim 3 is performed. In view of the above, Applicant submits that no new matter is presented by these claims and requests their acceptance and entry.

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REMARKS REGARDING CLAIMS AMENDMENTS:

The above noted amendments to the claims have been made so that the scope and language of the claims is more precise and clear in defining what the Applicant considers to be the invention. Specifically, the amendment to claim 1 corrects a typographical error changing term "he" in process step d has been replaced with the term "lie". Claim 2 has been amended in the fifth listed step to correct an error in interpretation replacing the term "on top" with the "removed from". The feature is derived from Page 7, lines 17-19 (Paragraph 0045 in the published application). Claim 2 has also been amended in the ninth listed step to clarify that the method terminates when the topmost marked storage item in a second stack has a lower number than the storage items lower down in the stack. Finally claim 5 has been amended so that it is properly dependent upon claim 2 and not claim 1 as indicated. Support for the above amendments to the claims can be found in the original specification and claims filed.

The claims and amended claims are submitted as being clearly distinct and patentable over the art of record and therefore their entry and allowance by the Examiner is requested.

**IN RESPONSE TO THE OFFICE ACTION:**

Applicant would like to thank the Examiner for the indication in the Office Action that claims 1, and 3 to 6 contain allowable subject matter.

**FIRST REJECTION UNDER 35 U.S.C. § 102:**

Claim 2 has been rejected under 35 U.S.C. §102 as allegedly being anticipated by U.S. Patent No. 5,421,464 issued to Hanno Gillmann, et al. (the Gillmann reference). In response, Applicant requests that the Examiner reconsider and withdraw the rejection in view of the following:

1. For there to be anticipation under 35 U.S.C. §102, "each and every element" of the claimed invention must be found either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) and references cited therein. See also *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 1571, 230 USPQ 81, 84 (Fed. Cir. 1986) ("absence from the reference of any claimed element negates anticipation."); *In re Schreiber*, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997). As pointed out by the court, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). An anticipating reference must describe the patented subject matter with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by persons of ordinary skill in the field of the invention. *ATD Crop. V. Lydall, Inc.*, 159 F.3d 534, 545, 48 USPQ 2d 1321, 1328 (Fed. Cir. 1998). See also *In re Spada*, 911 F.2d 705, 708, 15 USPQ 2d 1655, 1657 (Fed. Cir. 1990).

2. The Gillmann reference discloses a method for sorting mail, which involves a first sorting routine and a second sorting routine. In the first sorting routine the mail is sorted according to the least significant digit. In the second sorting routine, the mail item is sorted according to the most significant digit and placed in stacking compartments. A number of compartments or piles are required that correspond to the number of the most significant digits. As indicated in the example, two piles for each of the most significant digit are used (See Col. 5,

lines 6-16). Thus, to carryout the method disclosed in the Gillmann reference, one of skill in the art must know in advance how many significant figures are required.

3. In contrast the sorting method and algorithm of the present invention, as recited in claim 2, does not require such information. Further, one of skill in the art will note that in the method disclosed in the Gillmann reference that there is no step which identifies a lowest unmarked storage object. In fact, no where in the Gillmann reference is there any distinction between marked and unmarked objects. Further there is no categorization into first and second stacks dependent upon where the lowest marked storage object is located. Finally, the Gillmann reference fails to teach or suggest that the objects being sorted are moved from the first stack onto the second stack and from the second stack onto the first stack as may be needed. Applicant asserts that "each and every object" of the invention recited in claim 2 is not disclosed, taught or suggested by the Gillmann reference and thus the Gillmann reference does not anticipate claim 2.

In view of the above, Applicant requests the reconsideration and withdrawal of the rejection of claim 2 under 35 U.S.C. §102 and asks that the Examiner indicate the allowance of these claims in the next paper from the Office.

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The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 08-3038, referencing Order No. 00173.0013.PCUS00.



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In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tracy W. Druce', written over a horizontal line.

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2. A method for sorting and stacking stackable storage objects where the storage objects consist of at least three stacks, the method comprising the steps of:

identifying and marking each storage object with a sequence number for each object in a withdrawal order;

identifying the lowest unmarked storage object above a mark storage object in each stack;

categorizing the stack containing the identified lowest unmarked storage object as a first stack;

categorizing each remaining stack as a second stack;

moving each storage object from the first stack onto one or more of the second stacks until the identified lowest unmarked storage object is on top of the first stack;

sorting and moving all of the marked storage objects from the second stacks onto the first stack;

moving each of the storage objects in the arrival stack to one or more second stacks;

moving each of the marked storage objects to the second stacks from the first stack;

terminating the method when each of the marked storage objects in each of the second stacks has a lower sequential number than the marked storage object below the marked storage object in a second stack;

rearranging the order of the marked storage objects in the first stack; and

repeating the steps of moving each of the marked storage objects to the second stacks from the first stack and rearranging the order of the marked storage objects in the first stack until each of the marked storage objects in each of the second stacks has a lower sequential number than the marked storage object below the marked storage object in a second stack.

3. The method according to claim 2, wherein the sorting and moving step further comprises the steps of:

selecting a second stack containing at least one marked storage object;

moving the storage object on top of the selected second stack to the first stack when the top storage object is a marked storage object and moving the top storage object to another second stack when the top storage object is an unmarked object until the all of the marked storage objects in the selected second stack are in the first stack; and

continuing to select second stacks and move storage objects until all of the marked storage objects are in the first stack.

4. The method according to claim 3, wherein the selection of the second stacks containing at least one marked storage object is based on the height of the second stacks with the second stack containing the at least one marked storage object having the lowest height being selected.

5. The method according to claim I, wherein the step of moving each of the marked storage objects to the second stacks from the first stack, further comprises the steps of:

moving the top marked storage object from the first stack to the second storage stack having the next highest sequence number with respect to the marked storage object being moved;

moving the top marked storage object from the first stack to the second storage second stack containing no marked storage objects when the storage object being moved has a higher sequence number than the sequential numbers of the marked storage objects on top of each of the second stacks; and

moving the top marked storage object from the first stack to the second storage stack containing the top marked storage object having the lowest sequential number of all of the top marked storage objects on the second stacks and each of the second stacks contains a marked storage object.



6. The method according to claim 2, wherein the step of rearranging the order of the marked storage objects in the first stack further comprises the steps of:

moving the top marked storage object from the first stack to the second stack having a marked storage object on top of the second stack having a marked storage object on top with the next highest sequential number compared to the sequential number of the top marked storage object on top of the first stack;

moving the top marked storage object from the first stack to one of the second stacks having an unmarked storage object on top when the sequential number of the marked storage object on top of the first stack is higher than the sequential number of the marked storage object on top of each second stack; and

moving the top marked storage object from the first stack to one of the second stacks having an unmarked storage object on top when all of the second stacks have unmarked storage objects on top.